# UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

OFFICIAL COMMITTEE OF	) 3:13-cv-00010-RCJ-WGC
UNSECURED CREDITORS,	)
Plaintiff,	MINUTES OF PROCEEDINGS
	)
VS.	June 13, 2013
	)
GIACOMO MARINI, et al.,	)
	)
Defendants.	
	_)
PRESENT: THE HONORABLE WILLIA	AM G. COBB, U.S. MAGISTRATE JUDGE
DEPUTY CLERK: <u>Katie Lynn Ogden</u>	REPORTER: FTR
COUNSEL FOR PLAINTIFF(S): <u>Jason N</u>	Maynard (Telephonically)
COUNSEL FOR DEFENDANTS: Kaara	an Thomas and Anjali Webster (Present);
Cynthia Alexander (Telephonically)	

### **MINUTES OF PROCEEDINGS: Motion Hearing**

11:04 a.m. Court convenes.

#### I. **Preliminary Matters**

The court expresses its concern that the parties have not met, in person, to attempt to resolve the discovery disputes raised by both parties in this matter. The Court emphasizes the importance and requirement of personal consultation prior to any discovery dispute motions filed with the Court.

#### II. Plaintiff's Comments on the "Joint" Status Report Regarding Pending Motions and **Request for Sanctions (Dkt. #65)**

The Court turns to "Plaintiff's Comments on the "Joint" Status Report Regarding Pending Motions and Request for Sanctions" (Dkt. #65). The court refers to Dkt. #64 to address Plaintiff's motion and to ascertain what is currently pending before the Court.

#### Topic A: Motion File and Resolved by this Court A.

BK Dkt. #75, #78 and #96 were all granted by District Court Order Dkt. #20. There is

#### MINUTES OF PROCEEDINGS

3:13-cv-00010-RCJ-WGC

Date: June 13, 2013

Page 2

nothing further to address regarding Topic A.

#### B. Topic B: Motions Filed, Fully Briefed and Pending Before this Court

District Court Dkt. #23 Defendants Noventi Ventures II LP and NOVenti LLC's Motion to Dismiss as to Adversatry Complaint Claims Two, Three, and Four Only (Rule 12(b)(6)) has been fully briefed and awaiting decision by the Court. The Court advises the parties that this motion will be decided before Chief Judge Jones.

# C. Topic C: Motions File Not Fully Briefed Pending Before This Court

District Court Dkt. #40 has been fully briefed and awaiting decision. District Court Dkt. #52 has also been fully briefed (Dkt. #72 Response and Dkt. #83 Reply). Therefore, there is nothing further to address regarding Topic C; however the Court requests that an updated submission of this report be filed. Ms. Thomas agrees to file an Amended Status Report as to Dkt. #64.

# D. Topic D: Motions Filed In Bankruptcy Court - Movants Will Not Pursue.

Movants will not pursue the three bankruptcy motions (BK Dkt. #81, #86 and #107) and will file a stipulation to withdraw BK Dkt. #81 and BK Dkt. #107 with prejudice; while a stipulation to withdraw BK Dkt. #86 will be filed without prejudice. The Court requests that the stipulation be filed as one document, referencing all three bankruptcy motions and which are stipulated with or without prejudice.

# E. <u>Topic E: Motions Filed in Bankruptcy Court - Movants will Refile in This Court</u>

Movants will refile BK Dkt. #130 (Defendants Noventi Ventures II LP and Noventi LLC's Motion to Sever (Claims 5-17)) and BK Dkt. #133 (Defendants Marini, Rogoff, Hess, Schwab, Henig, Horn and Mosebar's Motion to Sever) as a "Notice of Filing" on the District Court docket. The two motions will be filed after June 14, 2013, and will be subject to the standard motion briefing schedule governed by Local Rule 7-2, unless the parties stipulate in writing to another briefing schedule.

In view of the Court addressing topics from the Joint Status Report (Dkt. #64) and the Court directing that an updated status report be filed, and the Court finding it not appropriate to impose sanctions on Defendants, "Plaintiff's Comments on the "Joint" Status Report Regarding Pending Motions and Request for Sanctions" (Dkt. #65) is **DENIED**.

#### MINUTES OF PROCEEDINGS

3:13-cv-00010-RCJ-WGC

Date: June 13, 2013

Page 3

# II. Brief Discussion Regarding Counsel Associated with This Case

The Court briefly reviews the docket and inquires which attorney's are currently active in this case. There appears to be a number of discrepancies reflected on the docket with regard to the list of attorney's associated with Big Sky Venture Capital III and IV LLC and Greehouse Capital Partners LP. The Court requests that counsel for Big Sky Venture Capital III and IV LLC and Greenhouse Capital Partners LP file a notice with the Court clarifying which attorney's are actively representing the parties and which shall be terminated from the docket.

#### III. Discussion Regarding Pending Motion To Compel (Dkt. #62)

The Court reviews and attempts to provide the parties with guidance as to several of the dispute topics raised in Defendants Noventi LLC and Noventi Ventures II LP Motion to Compel (Dkt. #62). Both parties indicate they are willing to meet and discuss, in person, the disputes raised in Defendants' Motion to Compel (Dkt. #62). Ms. Thomas has agreed to meet, in person, at Mr. Maynard's office for the in-person meeting on a date suitable for all parties during the week of June 24, 2013. The Court suggests that all parties be present so the Joint Case Management Report can also be addressed.

The Court finds it appropriate to allow additional time for Plaintiff to file a response to Defendants' Motion to Compel (Dkt. #62). Plaintiff shall have fourteen (14) days after the parties hold their formal meet and confer conference to file its response. Thereafter, Defendants shall have ten (10) days to file any reply to Plaintiff's response. The Court requests that the parties file a stipulation outlining the said briefing schedule with respect to Defendants' Motion to Compel (Dkt. #62).

#### IT IS SO ORDERED.

12:24 p.m. Court adjourns.

LANCE S. WILSON, CLERK	
By:	/s/
•	Katie Lynn Ogden, Deputy Clerk